IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.1336 of 2007
Date of Decision : 28.08.2007

Kulwant Singh .....Petitioner

versus

Jaswant Singh and others .....Respondents

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA

Present: Mr.Jai Bhagwan, Advocate for the petitioner
Mr.Padam Jain, Advocate for the respondent Nos.1 to 6, 8 to 10.

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ORDER

HEMANT GUPTA, J. (Oral)

The challenge in the present revision petition is to the order dated 13.12.2006, passed by the learned trial Court whereby an application filed by the plaintiff-petitioner to implead Smt.Sukhwinder Kaur wife of Narinder Singh as vendee of Sukhwinder Singh vide sale deed dated 5.12.2003 was declined.

It is found that it is the suit for permanent injunction. In the application under Order 1 Rule 10 of the Civil Procedure Code, there is no averment of interference in the possession of the plaintiff by the subsequent vendee, therefore, Sukhwinder Kaur is not necessary party in the suit.

Sukhwinder Singh, defendant No.2 has sold the property to Sukhwinder Kaur, vide sale deed dated 5.12.2003 i.e. after the filing of the suit on 6.3.2003. Therefore, the presence of Sukhwinder Kaur as vendee of Sukhwinder Singh would be proper & necessary for just decision of the Civil Suit including rights of the parties.

Consequently, the present revision petition is allowed. The order passed by the learned trial Court dated 13.12.2006 is set-aside. The application under Order 1 Rule 10 of the Civil Procedure Code is allowed. Sukhwinder Kaur w/o Narinder Singh is ordered to be impleaded as assignee of defendant No.2 in the aforesaid Civil Suit.

28-08-2007 **(HEMANT GUPTA)**
*mohinder **JUDGE**